

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ABEL RODRIGUEZ,

Petitioner,

No. CIV S-99-2252 DFL DAD P

vs.

CHERYL PLILER,

Respondent.

ORDER

Petitioner is a state prisoner proceeding pro se with this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On November 24, 2003, judgment was entered denying petitioner's application. On March 29, 2006, petitioner filed a notice of appeal. By order dated July 5, 2006, the district court declined to issue a certificate of appealability because petitioner's appeal was untimely filed. On October 6, 2006, the Court of Appeals for the Ninth Circuit issued an order denying petitioner's request for a certificate of appealability. On October 10, 2006, petitioner filed a request to proceed in forma pauperis in this court. Petitioner is advised that he does not currently have a case pending in this court or in the Court of Appeals. Accordingly, his request to proceed in forma pauperis will be denied. Any further documents filed in this case will be placed in the court file and disregarded.

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1 Good cause appearing, IT IS HEREBY ORDERED that petitioner's October 10,
2 2006, request to proceed in forma pauperis is denied.

3 DATED: October 12, 2006.

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6 DALE A. DROZD
7 UNITED STATES MAGISTRATE JUDGE

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